

ORDINANCE NO. 76 0916-C

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) TRACT 1: A 2,780 SQUARE FOOT TRACT OF LAND, FROM "C-2" COMMERCIAL DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 2: A 4,866.75 SQUARE FOOT TRACT OF LAND, FROM "C-2" COMMERCIAL DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 3: A 5,983 SQUARE FOOT TRACT OF LAND, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT;

ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 2003-2011 EAST RIVERSIDE DRIVE, AND ALSO BEING BOUNDED BY BURTON DRIVE AND ROYAL CREST DRIVE; AND,

(2) THE ENTIRE BLOCK BOUNDED BY EAST 41ST STREET, RED RIVER STREET, PECK AVENUE, AND EAST 38TH STREET (HANCOCK RECREATION CENTER), CONSISTING OF APPROXIMATELY 50 + ACRES, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

(3) A 1,245 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 9400 NORTH INTERSTATE HIGHWAY 35, AND ALSO BOUNDED BY EAST RUNDBERG LANE, FROM "GR" GENERAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT; AND,

(4) A 5.427 ACRE TRACT OF LAND, LOCALLY KNOWN AS 6900-7010 EAST RIVERSIDE DRIVE, AND 1705-1905 FRONTIER VALLEY DRIVE, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

(5) TRACT 1: A 2.430 ACRE TRACT OF LAND, FROM "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL, THIRD HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 14.099 ACRE TRACT OF LAND, SAVE AND EXCEPT THE WESTERN AND SOUTHERN SEVENTY-FIVE FEET WHERE ADJACENT TO INTERSTATE HIGHWAY 35 AND U. S. HIGHWAY 290, FROM "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, THIRD HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF U. S. HIGHWAY 290 AND NORTH INTERSTATE HIGHWAY 35; AND,

(6) A 0.0507 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1206 WEST 38TH STREET, AND ALSO BEING BOUNDED BY WEST 39TH STREET, FROM "O" OFFICE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND,

(7) A TWO ACRE TRACT OF LAND (ONION CREEK MASONIC LODGE), FROM "A" RESIDENCE DISTRICT TO "A-H" RESIDENCE-HISTORIC DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE designations on the property described in File C14-76-061, to-wit:

TRACT 1: From "C-2" Commercial District to "GR" General Retail District.

A 2,780 square foot tract of land out of the Santiago Del Valle Grant, same being also a part of Lot 11C of the First Resubdivision of Colorado Hills Estates,

Section 5, as recorded in Book 50, at Page 3, of the Plat Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING for reference at a point in the East right-of-way line of Royal Crest Drive, same being also the most westerly corner of Lot 11C, First Resubdivision of Colorado Hills Estates, Section 5, as recorded in Book 50, at Page 3, of the Plat Records of Travis County, Texas; same being also the most northerly corner of Amended Plat of Colorado Hills Estates, Section 5, as recorded in Book 49, at Page 43, of the Plat Records of Travis County, Texas;

THENCE, S 32° 15' E 52 feet to a point;

THENCE, N 57° 45' E 56 feet to a point for the southwest corner of Finley's and the Place of Beginning;

THENCE, N 57° 45' E for a distance of 20 feet;

THENCE, S 32° 15' E for a distance of 8 feet;

THENCE, N 57° 45' E for a distance of 28 feet;

THENCE, S 32° 15' E for a distance of 45 feet;

THENCE, S 57° 45' W for a distance of 28 feet;

THENCE, S 32° 15' E for a distance of 23 feet;

THENCE, S 57° 45' W for a distance of 20 feet;

THENCE, N 32° 15' W for a distance of 76 feet to the PLACE OF BEGINNING; and,

TRACT 2: From "C-2" Commercial District to "GR" General Retail District.

A 4,866.75 square foot tract of land out of the Santiago Del Valle Grant, same being also a portion of that certain tract or parcel of land out of the 2nd Resubdivision of Colorado Hills Estates, Section 5, a subdivision in the City of Austin, Travis County, Texas, as recorded in Book 56, at Page 72, of the Plat Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING for reference at a point in the west right-of-way of Burton Drive, said point being also the south line of the 2nd Resubdivision of Colorado Hills Estates, Section 5, a subdivision in the City of Austin, Travis County, Texas, as recorded in Book 56, at Page 72, of the Plat Records of Travis County, Texas, said point being also the north line of the Amended Plat of Colorado Hills Estates, Section 5, a subdivision in the City of Austin, Travis County, Texas, as recorded in Book 49, at Page 43, of the Plat Records of Travis County, Texas;

THENCE, along the south line of the said 2nd Resubdivision of Colorado Hills Estates, Section 5, N 32° 15' W for a distance of 193 feet;

THENCE, N 57° 45' E for a distance of 127 feet to the southeast corner of Big Daddy's and Place of Beginning hereof;

THENCE, N 32° 15' W for a distance of 66 feet;

THENCE, N 57° 45' E for a distance of 68 feet;

THENCE, S 32° 15' E for a distance of 26 feet;

THENCE, N 57° 45' E for a distance of 11.5 feet;

THENCE, S 32° 15' E for a distance of 23 feet;

THENCE, S 57° 45' W for a distance of 8.5 feet;

THENCE, S 32° 15' E for a distance of 16.5 feet;

THENCE, S 57° 45' W for a distance of 73.5 feet to the PLACE OF BEGINNING; and,

TRACT 3: From "GR" General Retail District to "C-2" Commercial District.

A 5,983 square foot tract of land out of the Santiago Del Valle Grant, same being also a part of Lot 11C of the First Resubdivision of Colorado Hills Estates, Section 5, as recorded in Book 50, at Page 3, of the Plat Records of Travis County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING for reference at a point in the northeasterly right-of-way line of Royal Crest Drive based on a width of 60 feet, same being also the most westerly corner of Lot 11C, First Resubdivision of Colorado Hills Estates, Section 5, same being also the most northerly corner of Amended Plat of Colorado Hills Estates, Section 5, as recorded in Book 49, at Page 43, of the Plat Records of Travis County, Texas;

THENCE, S 32° 13' E 62 feet to a point;

THENCE, N 57° 47' E 115 feet to a point for the northwesterly corner of the tract herein described, and the Place of Beginning;

THENCE, N 57° 47' E 88.67 feet;

THENCE, S 32° 13' E 73.67 feet;

THENCE, S 57° 47' W 20.00 feet;

THENCE, N 32° 13' W 8.00 feet;

THENCE, S 57° 47' W 68.67 feet;

THENCE, N 32° 13' W 65.67 feet to the PLACE OF BEGINNING,

all of said property being locally known as 2003-2011 East Riverside Drive, and also bounded by Burton Drive and Royal Crest Drive, in the City of Austin, Travis County, Texas.

PART 2. Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE and HEIGHT and AREA designations from "B" Residence, Second Height and Area District to "A" Residence, First Height and Area District on the property described in File C14-76-062, to-wit:

The entire block bounded by East 41st Street, Red River Street, Peck Avenue and East 38th Street, (Hancock Recreation Center), consisting of approximately 50 + acres of land.

PART 3. Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE designation from "GR" General Retail District to "C" Commercial District on the property described in File C14-76-065, to-wit:

A 1,245 square foot tract of land out of that certain tract of land out of the John Applegait Survey in Travis County, Texas, which is described in a deed to B. F. McCoy of record in Volume 1540, at Page 147, of the Deed Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of an existing building and from which Point of Beginning the point of intersection of the north line of Rundberg Lane with the northwest right-of-way line of Interstate Highway No. 35, said point being the northeast corner of a tract of land described in a deed of record in Volume 5084, at Page 984, of the Deed Records of Travis County, Texas, bears S 13° 35' E 82.19 feet and S 73° 09' W 51.91 feet;

THENCE, with the south line of said building, S 76° 25' W 44.00 feet to a point for the southwest corner of said building;

THENCE, with the west line of said building, N 13° 35' W 28.30 feet to the northwest corner of said building;

THENCE, with the north line of said building, N 76° 25' E 44.00 feet to the northeast corner of said building;

THENCE, with the east line of said building, S 13° 35' E 28.30 feet to the POINT OF BEGINNING,

locally known as 9400 North Interstate Highway 35, and also bounded by East Rundberg Lane, in the City of Austin, Travis County, Texas.

PART 4. Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE and HEIGHT and AREA designations from Interim "AA" Residence, Interim First Height and Area District to "C" Commercial, First Height and Area District on the property described in File C14-76-067, to-wit:

A 5.427 acre tract of land out of that certain tract of land out of the Santiago Del Valle Grant in Travis County, Texas, which is described in a deed to Andy Wagner, W. M. Day, Jr., Woodrow Patterson, and Larry Niemann, of record in Volume 3864, at Page 390, of the Deed Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found at the southeast corner of said Wagner, et al., tract of land;

THENCE, with the north line of East Riverside Drive, N 61° 49' W 371.95 feet to a point;

THENCE, N 45° 33' E 41.91 feet to the point of curvature of a curve whose intersection angle is 107° 22', whose tangent distance is 25.00 feet, and whose radius is 18.38 feet;

THENCE, following said curving line to the right an arc distance of 34.43 feet, the chord of which arc bears N 08° 08' W 29.61 feet to the point of tangency of said curve in the east line of Frontier Valley Drive;

THENCE, with the east line of Frontier Valley Drive, N 45° 33' E 613.76 feet to a point;

THENCE, S 44° 27' E 383.28 feet to a point on the southeast line of said Andy Wagner, W. M. Day, Jr., Woodrow Patterson, and Larry Niemann tract;

THENCE, S 45° 23' W 373.37 feet to an iron pin;

THENCE, S 47° 13' W 188.89 feet to the POINT OF BEGINNING,

locally known as 6900-7010 East Riverside Drive and 1705-1905 Frontier Valley Drive, in the City of Austin, Travis County, Texas.

PART 5. Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE and HEIGHT and AREA designations on the property described in File C14-76-073, to-wit:

TRACT 1: From "C" Commercial, Sixth Height and Area District to "C-2" Commercial, Third Height and Area District.

A 2.430 acre tract of land out of the James P. Wallace Survey No. 57, in Travis County, Texas, same 2.430 acres of land being a portion of that certain 128.47 acre tract of land conveyed to Land Equities, Inc., by deeds recorded in Volume 4866, at Page 1512, and Volume 4866, at Page 1521, of the Deed Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING for reference at a 1-inch iron stake with a punch mark on top at the intersection of the north right-of-way line of U. S. Highway No. 290

with the east right-of-way line of Interstate Highway No. 35, thence N 15° 59' 30" W 215.64 feet to a second 1-inch iron stake with a punch mark on top in said east right-of-way line of Interstate Highway No. 35, thence S 84° 12' E, 76.50 feet to the Point of Beginning for the tract of land herein described;

THENCE, N 05° 48' E 233.00 feet to a point for the northwest corner of the tract of land herein described;

THENCE, S 84° 12' E 225.00 feet to a point;

THENCE, S 05° 48' W 48.12 feet to a point;

THENCE, S 39° 12' E 320.47 feet to a point for the most eastern corner of the herein described tract of land;

THENCE, S 50° 48' W 217.00 feet to a point for the most southern corner of the tract of land herein described;

THENCE, N 39° 12' W 276.00 feet to a point;

THENCE, N 84° 12' W 103.00 feet to the original POINT OF BEGINNING;
and,

TRACT 2: From "C" Commercial, Second Height and Area District and "C" Commercial, Sixth Height and Area District to "C" Commercial, Third Height and Area District.

A 14.099 acre tract of land, SAVE AND EXCEPT the western and southern seventy-five feet where adjacent to Interstate Highway 35 and U. S. Highway 290, out of the James P. Wallace Survey No. 57, in Travis County, Texas, same 14.099 acres of land being a portion of that certain 128.47 acre tract of land conveyed to Land Equities, Inc., by deeds recorded in Volume 4866, at Page 1512, and Volume 4866, at Page 1521, of the Deed Records of Travis County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a 1-inch iron stake with a punch mark on top at the intersection of the north right-of-way line of U. S. Highway No. 290 with the east right-of-way line of Interstate Highway No. 35;

THENCE, along said east right-of-way line of Interstate Highway No. 35 with the following two (2) courses:

(1) N 15° 59' 30" W 215.64 feet to a 1-inch iron stake with a punch mark on top; and,

(2) N 05° 48' 12" E 677.28 feet to an iron pin at a point of curvature;

THENCE, along the south line of the proposed 80-foot wide right-of-way, to be known as La Posada Drive, with the following six (6) courses:

(1) Along a curve to the right having an internal angle of $90^{\circ} 00'$, a radius length of 25.00 feet, an arc length of 39.27 feet, and a chord that bears $N 50^{\circ} 48' E 35.36$ feet to an iron pin at a point of tangency;

(2) $S 84^{\circ} 12' E 167.68$ feet to an iron pin at a point of curvature;

(3) Along a curve to the right having an internal angle of $21^{\circ} 38'$, a radius length of 260.00 feet, an arc length of 98.17 feet, and a chord that bears $S 73^{\circ} 23' E 97.59$ feet to an iron pin at a point of tangency;

(4) $S 62^{\circ} 34' E 165.26$ feet to an iron pin at a point of curvature;

(5) Along a curve to the left having an internal angle of $37^{\circ} 30'$, a radius length of 340.00 feet, an arc length of 222.53 feet, and a chord that bears $S 81^{\circ} 19' E 218.58$ feet to an iron pin at a point of tangency; and,

(6) $N 79^{\circ} 56' E 15.11$ feet to a point for the northeast corner of the tract of land herein described;

THENCE, $S 05^{\circ} 48' 12'' W 904.88$ feet to a point in the north right-of-way line of U. S. Highway No. 290, same point being the southeast corner of the tract of land herein described;

THENCE, along the said north line of U. S. Highway No. 290 with the following two (2) courses:

(1) $N 86^{\circ} 06' 10'' W 319.47$ feet to a 1-inch iron stake with a punch mark on top; and,

(2) $N 64^{\circ} 25' 45'' W 292.93$ feet to the original POINT OF BEGINNING,

all of said property being located at the northeast corner of the intersection of U. S. Highway 290 and North Interstate Highway 35, in the City of Austin, Travis County, Texas.

PART 6. Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE designation from "O" Office District to "LR" Local Retail District on the property described in File ~~CMA-76-074~~, to-wit:

A 0.0507 acre tract of land out of the George W. Spear League, in Travis County, Texas, said tract also being a portion of Lot 5, Medical Park Subdivision No. 2, a subdivision in the City of Austin, County of Travis, as recorded in Plat Book 69, at Page 62, of the Plat Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING for reference at the most easterly corner of the above described Lot 5 and running as follows:

THENCE, along the east line of said Lot 5, $S 30^{\circ} 03' W 148.0$ feet to a point in said east line;

THENCE, N 59° 57' W 134.0 feet to a point, same being the real Point of Beginning;

THENCE, S 30° 03' W 56.0 feet to a point;

THENCE, N 59° 57' W 39.5 feet to a point;

THENCE, N 30° 03' E 56.0 feet to a point;

THENCE, S 59° 57' E 39.5 feet to a point and PLACE OF BEGINNING,

locally known as 1206 West 38th Street, and also bounded by West 39th Street, in the City of Austin, Travis County, Texas.

PART 7. Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE designation from "A" Residence District to "A-H" Residence-Historic District on the property described in File C14h-76-011, to-wit:

A two acre tract of land, being out of and a part of the Wm. Cannon League, in Travis County, Texas, according to a deed of record in Volume 757, at Page 420, of the Deed Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of the present Boggy Creek Cemetery bearing N 64° 00' W a distance of 95.50 feet from its northeast corner;

THENCE, continuing N 64° 00' W and along the north line of the present Boggy Creek Cemetery, a distance of 425.50 feet to stake for corner;

THENCE, N 15° 00' E and along the east side of the Old Austin-San Antonio Highway, a distance of 205.50 feet to the south gate post of the Shell Pipe Line right-of-way crossing;

THENCE, S 64° 15' E and along the south line of the Shell Pipe Line right-of-way a distance of 425.50 feet to stake for corner;

THENCE, S 15° 00' W a distance of 210.75 feet to the PLACE OF BEGINNING,

locally known as Onion Creek Masonic Lodge, Old Lockhart Highway, in the City of Austin, Travis County, Texas.

PART 8. It is hereby ordered that the USE and HEIGHT and AREA maps accompanying Chapter 45 of the Austin City Code of 1967 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 9. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall be effective ten (10) days following the date of its passage.

PASSED AND APPROVED

September 16, 1976

APPROVED:

Jerry L. Harris
City Attorney

ATTEST:

Alfred M. Friedman
Mayor
Grace Monroe
City Clerk

16SEP76

JM:vs